

**REMARKS**

**I. Claims**

Claims 1 and 5-47 are currently pending. Claims 1 and 5-47 stand rejected. Claim 1 is now amended and includes the subject matter of claim 4. Claim 4 is now cancelled. Reconsideration of the above-identified application in view of the amendments to claim 1 and the following remarks is respectfully requested.

**1. Rejection of Claims 1, 7, 8, 12-14, 16-22, 25, 26, 30, 32-34, and 41-47 Under 35 U.S.C. §102(a) and 35 U.S.C. §102(e)**

Claims 1, 7, 8, 12-14, 16-22, 25, 26, 30, 32-34, and 41-47 have been rejected as anticipated under 35 U.S.C. §102(a) and 35 U.S.C. §102(e) by U.S. Patent Application Publication US 2003/0187506 to Ross et al (hereinafter, "Ross"). It is respectfully submitted that claim 1, as amended, and claims 7, 8, 12-14, 16-22, 25, 26, 30, 32-34, and 41-47 are novel over Ross.

Anticipation requires a single prior art reference that discloses each element of the claim. W. L. Gore & Associates v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983) *cert. denied* 469 U.S. 851 (1984). For a reference to anticipate a claim, "[t]here must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." Scripps Clinic & Research Foundation v. Genentech Inc., 1927 F.2d 1565, 8 USPQ2d 1001 (Fed. Cir. 1991).

Amended claim 1 recites an apparatus for replacing a damaged spinal disc in a spinal column. The apparatus comprises an artificial disc that includes a resilient core having a first surface and a second surface. A first retaining member is connected to the first surface of the resilient core. A second retaining member is

connected to the second surface of the resilient core. The first retaining member has (a) an outer surface directly engaging a first vertebra of the spinal column after the artificial disc is in position between the first vertebra and a second vertebra and (b) an inner surface facing the first surface of the resilient core. The second retaining member has (a) an outer surface directly engaging the second vertebra of the spinal column after the artificial disc is in position between the first and second vertebrae and (b) an inner surface facing the second surface of the resilient core. The outer surfaces of the first and second retaining members face away from each other. The apparatus also comprises a first mounting member that is connectable with the first vertebra and the artificial disc to position the artificial disc between the first and second vertebrae. The first mounting member engages the artificial disc after being connected to the first vertebra to guide movement of the artificial disc into position between the first and second vertebrae. The first retaining member includes a guide with an outer surface that extends outwardly from the outer surface of the first retaining member. The outer surface of the guide engages the first mounting member to guide movement of the first retaining member into position between the first and second vertebrae. The guide engages a surface of the first vertebra after the artificial disc is in position between the first and second vertebrae.

This rejection under 35 U.S.C. §102(a) and 35 U.S.C. §102(e) based on Ross appears to be based specifically on Fig. 3B of Ross. The Office Action states, with particular reference to Fig. 3B of Ross, that Ross discloses an apparatus for replacing a damaged spinal disc in a spinal column. According to the Office Action, the apparatus of Ross comprises an artificial disc that includes (a) a resilient core

(member 20 of Ross) having a first surface and a second surface, (b) a first retaining member (member 22 of Ross), and (c) a second retaining member (member 24 of Ross). The Office Action also states that the first retaining member of Ross has an inner surface facing the resilient core and an outer surface engageable with a first vertebra of the spinal column. Further, according to the Office Action, the second retaining member of Ross has an inner surface facing the resilient core and an outer surface engageable with a second vertebra of the spinal column. Still further, the Office Action asserts that the apparatus of Ross also comprises a first mounting member (member 14 of Ross) that is (i) connectable with the first vertebra and the artificial disc to position the artificial disc between the first and second vertebrae and (ii) engageable with the artificial disc after being connected to the first vertebra to guide movement of the artificial disc into position between the first and second vertebrae. Lastly, according to the Office Action, the first retaining member of Ross includes a guide (dovetail 30a of Ross) with an outer surface that (i) extends outwardly from the outer surface of the first retaining member and (ii) is engageable with the first mounting member to guide movement of the first retaining member into position between the first and second vertebrae.

In response to arguments for the patentability of claim 1 over Ross, which were presented in a prior amendment, the Office Action states that claim 1 never recites that the outer surface of the retaining member is engageable with a vertebra after the artificial disc is in position between the vertebrae. The Office Action also states, in response to the previously presented arguments, that the outer surface of the Ross retaining member (member 22 of Ross) can engage the vertebra “at least

indirectly” through the Ross mounting member (member 14 of Ross) after the artificial disc is in position between the vertebrae.

It is respectfully submitted that Ross does not anticipate the apparatus of amended claim 1 in that each and every element recited in claim 1 is not disclosed by Ross as required by 35 U.S.C. §102(a) and 35 U.S.C. §102(e). Specifically, claim 1 recites an artificial disc that includes a first retaining member having an outer surface directly engaging a first vertebra of the spinal column after the artificial disc is in position between the first vertebra and a second vertebra. Claim 1 also recites a second retaining member having an outer surface directly engaging the second vertebra of the spinal column after the artificial disc is in position between the first and second vertebrae. Claim 1 further recites a first mounting member that (i) is connectable with the first vertebra and the artificial disc to position said artificial disc between the first and second vertebrae and (ii) engages the artificial disc after being connected to the first vertebra to guide movement of said artificial disc into position between the first and second vertebrae.

The Office Action asserts that members 22 and 24 of Ross correspond to the first and second retaining members, respectively, of claim 1. As recognized in the Office Action, however, Ross does not disclose that either member 22 or member 24 has an outer surface directly engaging a vertebra of a spinal column. The Office Action attempts to overcome this deficiency of Ross by making the unsupported assertions, as to members 22 and 24, respectively, of Ross, that “if one so desired, one could engage the outer surface with a first vertebra” and “if one so desired, one could engage the outer surface with a second vertebra.”

Beyond the absence of any disclosure in Ross to support the foregoing assertions, the Office Action states that the member 14 of Ross corresponds to the first mounting member of claim 1. According to the Office Action, the member 14 of Ross is (i) connectable with a first vertebra and the artificial disc to position the artificial disc between first and second vertebrae and (ii) engageable with the artificial disc after being connected to the first vertebra to guide movement of the artificial disc into position between the first and second vertebrae. It is respectfully submitted that if the member 14 of Ross engages the artificial disc to guide movement of the artificial disc into position between the first and second vertebrae, there is no possibility of the member 22 of Ross directly engaging a vertebra. Specifically, if the members 22 and 24 are already directly engaged with vertebrae, the member 22 cannot be guided into position between the vertebrae by the member 14 of Ross. If, on the other hand, the member 14 of Ross engages the member 22 of Ross after being connected to the first vertebra to guide movement of the artificial disc into position between the first and second vertebrae, as would be required by claim 1, the member 14 of Ross would fully cover the outer surface of the member 22 of Ross (and a similar member 16 would fully cover the outer surface of member 24 of Ross). Thus, there would be no possibility of the outer surface of the member 22 of Ross (or the member 24) directly engaging a vertebra after the artificial disc is in position between the first and second vertebrae.

Since Ross does not disclose an artificial disc that includes a first retaining member having an outer surface directly engaging a first vertebra of the spinal column after the artificial disc is in position between the first vertebra and a second

vertebra, as recited in claim 1, Ross cannot anticipate claim 1 under 35 U.S.C. §102(a) or 35 U.S.C. §102(e). Amended claim 1 is therefore novel and allowable over Ross.

Claims 7, 8, 12-14, 16-22, 25, 26, 30, 32-34, and 41-47 depend, directly or indirectly, from claim 1 and are allowable for at least the reasons given in the foregoing discussion of claim 1 and further for the recitations contained in those claims. It is thus respectfully submitted that claims 7, 8, 12-14, 16-22, 25, 26, 30, 32-34, and 41-47 define over Ross, and withdrawal of this rejection of claims 7, 8, 12-14, 16-22, 25, 26, 30, 32-34, and 41-47 is respectfully requested.

**2. Rejection of Claims 1, 19, 27, 37, and 38 Under 35 U.S.C. §102(e)**

Claims 1, 19, 27, 37, and 38 have been rejected as anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 7,060,097 to Fraser et al. (hereinafter, "Fraser"). It is respectfully submitted that claim 1, as amended, and claims 19, 27, 37, and 38 are novel over Fraser.

Anticipation requires a single prior art reference that discloses each element of the claim. W. L. Gore & Associates v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983) *cert. denied* 469 U.S. 851 (1984). For a reference to anticipate a claim, "[t]here must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." Scripps Clinic & Research Foundation v. Genentech Inc., 1927 F.2d 1565, 8 USPQ2d 1001 (Fed. Cir. 1991).

The Office Action states that Fraser discloses an apparatus for replacing a damaged spinal disc in a spinal column. According to the Office Action, the

apparatus of Fraser comprises an artificial disc that includes (a) a resilient core (member 230 of Fraser) having a first surface and a second surface, (b) a first retaining member (member 210 of Fraser), and (c) a second retaining member (member 220 of Fraser). The Office Action also states that the first retaining member of Fraser has an inner surface facing the resilient core and an outer surface “(Fig. 7B inset)” engageable with a first vertebra of the spinal column. Further, according to the Office Action, the second retaining member of Fraser has an inner surface facing the resilient core and an outer surface engageable with a second vertebra of the spinal column. Still further, the Office Action asserts that the apparatus of Fraser also comprises a first mounting member (member 300 of Fraser) that is (i) connectable with the first vertebra and the artificial disc to position the artificial disc between the first and second vertebrae and (ii) engageable with the artificial disc after being connected to the first vertebra to guide movement of the artificial disc into position between the first and second vertebrae.

In addition to the foregoing, the Office Action hypothesizes that the first mounting member of Fraser (member 300 of Fraser) could be inserted between two vertebrae prior to engaging the mounting member with the first retaining member (member 210 of Fraser), if one so desired. The Office Action states that the first mounting member (member 300 of Fraser) is (i) connectable with the first vertebra and the artificial disc to position the artificial disc between the first and second vertebrae and (ii) engageable with the artificial disc after being connected to the first vertebra to guide movement of the artificial disc into position between the first and second vertebrae. Further, according to the Office Action, the first retaining member

of Fraser (member 210 of Fraser) includes a guide (identified in the Fig. 7B inset of the Office Action as the side surface of slot 240 in member 210 of Fraser) with an outer surface that extends outwardly from the outer surface of the first retaining member and that is engageable with the first retaining member of Fraser to guide movement of the first retaining member into position between first and second vertebrae.

It is respectfully submitted that Fraser does not anticipate the apparatus of claim 1 in that each and every element recited in claim 1 is not disclosed by Fraser as required by 35 U.S.C. §102(e). Specifically, claim 1 recites an artificial disc that includes a first retaining member having an outer surface directly engaging a first vertebra of the spinal column. Claim 1 also recites a first mounting member connectable with the first vertebra and the artificial disc and engaging the artificial disc after being connected to the first vertebra to guide movement of said artificial disc into position between the first and second vertebrae. Claim 1 further recites that the first retaining member includes a guide with an outer surface that (a) extends outwardly from the outer surface of the first retaining member and (b) engages the first mounting member to guide movement of the first retaining member into position between the first and second vertebrae. Still further, claim 1 recites that the guide engages a surface of the first vertebra after the artificial disc is in position between the first and second vertebrae.

The Office Action asserts that the guide of Fraser (identified in the Fig. 7B inset of the Office Action as the side surface of slot 240 in member 210 of Fraser) has an outer surface that extends outwardly from the outer surface of the first



retaining member and that is engageable with the first retaining member of Fraser to guide movement of the first retaining member into position between first and second vertebrae. Claim 1, as amended, also recites, however, that the guide engages a surface of the first vertebra after the artificial disc is in position between the first and second vertebrae. The side surface of slot 240 in member 210 of Fraser cannot engage a surface of a vertebra after the artificial disc of Fraser is in position between first and second vertebrae because the side surface is fully engaged with an adjacent surface of the mounting member of Fraser (member 300 of Fraser), as shown in Fig. 7C of Fraser.

The Office Action also asserts that members 210 and 300 of Fraser correspond to the first retaining member and the first mounting member, respectively, of claim 1. As recognized in the Office Action, however, Fraser does not disclose that member 300 (the asserted mounting member of Fraser) engages (a) the artificial disc of Fraser after being connected to the first vertebra to guide movement of the artificial disc into position between the first and second vertebrae or (b) the asserted guide of member 210 (the retaining member of Fraser) to guide movement of the first retaining member into position between the first and second vertebrae. The Office Action attempts to overcome this deficiency of Fraser by hypothesizing that “if one so desired”, one could insert the mounting member of the apparatus of Fraser (member 300 of Fraser) between first and second vertebrae before engaging the mounting member with the first retaining member (member 210 of Fraser). This hypothetical insertion and in-situ assembly of the apparatus of Fraser is, however, contrary to the only disclosure in Fraser regarding insertion of

the apparatus between two vertebrae, which is set out at column 4, line 51 to column 5, line 22 of Fraser.

Since Fraser does not disclose (a) a first retaining member including a guide that engages a surface of the first vertebra after the artificial disc is in position between the first and second vertebrae or (b) a first mounting member engaging (i) an artificial disc after being connected to a first vertebra to guide movement of the artificial disc into position between first and second vertebrae or (ii) a guide of a first retaining member to guide movement of the first retaining member into position between the first and second vertebrae, all as recited in claim 1, Fraser cannot anticipate amended claim 1 under 35 U.S.C. §102(e). Amended claim 1 is therefore novel and allowable over Fraser.

Claims 19, 27, 37, and 38 depend, directly or indirectly, from claim 1 and are allowable for at least the reasons given in the foregoing discussion of claim 1 and further for the recitations contained in those claims. It is thus respectfully submitted that claims 19, 27, 37, and 38 define over Fraser, and withdrawal of this rejection of claims 19, 27, 37, and 38 is respectfully requested.

**3. Rejection of Claims 1, 9-11, 19, 28, and 29 Under 35 U.S.C. §102(a) and 35 U.S.C. §102(e)**

Claims 1, 9-11, 19, 28, and 29 have been rejected (a second time as to claim 1) as anticipated under 35 U.S.C. §102(a) and 35 U.S.C. §102(e) by Ross. It is respectfully submitted that amended claim 1 and claims 9-11, 19, 28, and 29 are novel over Ross.

Anticipation requires a single prior art reference that discloses each element of the claim. W. L. Gore & Associates v. Garlock, Inc., 220 USPQ 303, 313

(Fed. Cir. 1983) *cert. denied* 469 U.S. 851 (1984). For a reference to anticipate a claim, “[t]here must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.” Scripps Clinic & Research Foundation v. Genentech Inc., 1927 F.2d 1565, 8 USPQ2d 1001 (Fed. Cir. 1991).

This second rejection under 35 U.S.C. §102(a) and 35 U.S.C. §102(e) based on Ross again appears to be based specifically on Fig. 3B of Ross. The Office Action states, with particular reference to Fig. 3B of Ross, that Ross discloses an apparatus for replacing a damaged spinal disc in a spinal column. According to the Office Action, the apparatus of Ross comprises an artificial disc that includes (a) a resilient core (member 20 of Ross) having a first surface and a second surface, (b) a first retaining member (member 22 of Ross), and (c) a second retaining member (member 24 of Ross). The Office Action also states that the first retaining member of Ross has an inner surface facing the resilient core and an outer surface engageable with a first vertebra of the spinal column. Further, according to the Office Action, the second retaining member of Ross has an inner surface facing the resilient core and an outer surface engageable with a second vertebra of the spinal column. Still further, the Office Action asserts that the apparatus of Ross also comprises a first mounting member (member 14 of Ross) that is (i) connectable with the first vertebra and the artificial disc to position the artificial disc between the first and second vertebrae and (ii) engageable with the artificial disc after being connected to the first vertebra to guide movement of the artificial disc into position between the first and second vertebrae. According to the Office Action, the first

retaining member of Ross includes a guide (identified in the Fig. 3B inset of the Office Action as the side surface of dovetail slot 30b in member 20 of Ross) with an outer surface that extends outwardly from the outer surface of the first retaining member to guide movement of the first retaining member into position between first and second vertebrae.

It is respectfully submitted that Ross does not anticipate the apparatus of claim 1 in that each and every element recited in claim 1 is not disclosed by Ross as required by 35 U.S.C. §102(e). Specifically, claim 1 recites an artificial disc that includes a first retaining member having an outer surface directly engaging a first vertebra of the spinal column after the artificial disc is in position between the first vertebra and a second vertebra. Claim 1 also recites a second retaining member having an outer surface directly engaging the second vertebra of the spinal column after the artificial disc is in position between the first and second vertebrae. Claim 1 further recites a first mounting member that (i) is connectable with the first vertebra and the artificial disc to position said artificial disc between the first and second vertebrae and (ii) engages the artificial disc after being connected to the first vertebra to guide movement of said artificial disc into position between the first and second vertebrae

The Office Action asserts that members 22 and 24 of Ross correspond to the first and second retaining members, respectively, of claim 1. As recognized in the Office Action, however, Ross does not disclose that either member 22 or member 24 has an outer surface directly engaging a vertebra of a spinal column. The Office Action attempts to overcome this deficiency of Ross by making the unsupported

assertions, as to members 22 and 24, respectively, of Ross, that “if one so desired, one could engage the outer surface with a first vertebra” and “if one so desired, one could engage the outer surface with a second vertebra.”

Beyond the absence of any disclosure in Ross to support the foregoing assertions, the Office Action states that the member 14 of Ross corresponds to the first mounting member of claim 1. According to the Office Action, the member 14 of Ross is (i) connectable with a first vertebra and the artificial disc to position the artificial disc between first and second vertebrae and (ii) engageable with the artificial disc after being connected to the first vertebra to guide movement of the artificial disc into position between the first and second vertebrae. It is respectfully submitted that if the member 14 of Ross engages the artificial disc to guide movement of the artificial disc into position between the first and second vertebrae, there is no possibility of the member 22 of Ross directly engaging a vertebra. Specifically, if the members 22 and 24 are already directly engaged with vertebrae, the member 22 cannot be guided into position between the vertebrae by the member 14 of Ross. If, on the other hand, the member 14 of Ross engages the member 22 of Ross after being connected to the first vertebra to guide movement of the artificial disc into position between the first and second vertebrae, as would be required by claim 1, the member 14 of Ross would fully cover the outer surface of the member 22 of Ross (and a similar member 16 would fully cover the outer surface of member 24 of Ross). Thus, there would be no possibility of the outer surface of the member 22 of Ross (or the member 24) directly engaging a vertebra after the artificial disc is in position between the first and second vertebrae.

Since Ross does not disclose an artificial disc that includes a first retaining member having an outer surface directly engaging a first vertebra of the spinal column after the artificial disc is in position between the first vertebra and a second vertebra, as recited in claim 1, Ross cannot anticipate claim 1 under 35 U.S.C. §102(a) or 35 U.S.C. §102(e). Amended claim 1 is therefore novel and allowable over Ross.

Claims 9-11, 19, 28, and 29 depend, directly or indirectly, from claim 1 and are allowable for at least the reasons given in the foregoing discussion of claim 1 and further for the recitations contained in those claims. It is thus respectfully submitted that claims 9-11, 19, 28, and 29 define over Ross, and withdrawal of this rejection of claims 9-11, 19, 28, and 29 is respectfully requested.

**4. Rejection of Claims 5, 6, 23, 24, 31, 39 and 40 Under 35 U.S.C. §103(a)**

Claims 5, 6, 23, 24, 31, 39 and 40 have been rejected as unpatentable under 35 U.S.C. §103(a) over Ross (Fig. 3B). It is respectfully submitted that claims 5, 6, 23, 24, 31, 39 and 40 define over the cited art.

Each of claims 5, 6, 23, 24, 31, 39 and 40 depends, directly or indirectly, from claim 1. The Office Action premises the rejection of claims 5, 6, 23, 24, 31, 39 and 40 on the first stated rejection of claim 1 and the rejection of dependent claims 19 and 30 as anticipated under 35 U.S.C. §102(a) and 35 U.S.C. §102(e) by Fig. 3B of Ross. As previously discussed, however, Fig. 3B of Ross does not disclose an artificial disc that includes a first retaining member having an outer surface directly engaging a first vertebra of the spinal column after the artificial disc is in position between the first vertebra and a second vertebra, as recited in amended claim 1.

Consequently, claim 1 is not anticipated by Ross under 35 U.S.C. §102(a) or 35 U.S.C. §102(e). Further, the claim 1 is neither suggested nor taught by Ross and is allowable over Ross. As claims 5, 6, 23, 24, 31, 39 and 40 depend, directly or indirectly, from amended claim 1, claims 5, 6, 23, 24, 31, 39 and 40 are allowable for at least the reasons given in the discussion of claim 1 in connection with its rejection as anticipated under 35 U.S.C. §102(a) and 35 U.S.C. §102(e) by Fig. 3B of Ross and further for the recitations contained in those claims. It is thus respectfully submitted that claims 5, 6, 23, 24, 31, 39 and 40 define over the cited art, and withdrawal of this rejection of claims 5, 6, 23, 24, 31, 39 and 40 is respectfully requested.

**5. Rejection of Claim 15 Under 35 U.S.C. §103(a)**

Claim 15 has been rejected as unpatentable under 35 U.S.C. §103(a) over Ross (Fig. 3B) in view of Fraser. It is respectfully submitted that claim 15 defines over the cited art.

Claim 15 depends indirectly from claim 1. The Office Action premises the rejection of claim 15 on the first stated rejection of claim 1 and the rejection of dependent claim 14 as anticipated under 35 U.S.C. §102(a) and 35 U.S.C. §102(e) by Fig. 3B of Ross. As previously discussed, however, Fig. 3B of Ross does not disclose an artificial disc that includes a first retaining member having an outer surface directly engaging a first vertebra of the spinal column after the artificial disc is in position between the first vertebra and a second vertebra, as recited in amended claim 1. Consequently, claim 1 is not anticipated by Ross under 35 U.S.C. §102(a) or 35 U.S.C. §102(e). Further, the claim 1 is neither suggested nor taught

by Ross and is allowable over Ross. As claim 15 depends, indirectly, from amended claim 1, claim 15 is allowable for at least the reasons given in the discussion of claim 1 in connection with its rejection as anticipated under 35 U.S.C. §102(a) and 35 U.S.C. §102(e) by Fig. 3B of Ross and further for the recitations contained in claim 15. It is thus respectfully submitted that claim 15 defines over the cited art, and withdrawal of this rejection of claim 15 is respectfully requested.

**6. Rejection of Claims 35 and 36 Under 35 U.S.C. §103(a)**

Claims 35 and 36 have been rejected as unpatentable under 35 U.S.C. §103(a) over Fraser in view of U.S. Patent No. 5,370,697 to Baumgartner (hereinafter, "Baumgartner"). It is respectfully submitted that claims 35 and 36 define over the cited art.

Claims 35 and 36 depend, directly or indirectly, from claim 1. The Office Action appears to be premising the rejection of claims 35 and 36 on the rejection of claim 1 as anticipated under 35 U.S.C. §102(e) by Fraser. As previously discussed, however, Fraser does not disclose either (a) a first retaining member including a guide that engages a surface of the first vertebra after the artificial disc is in position between the first and second vertebrae or (b) a first mounting member engaging (i) an artificial disc after being connected to a first vertebra to guide movement of the artificial disc into position between first and second vertebrae or (ii) a guide of a first retaining member to guide movement of the first retaining member into position between the first and second vertebrae, all as recited in claim 1. Consequently, claim 1 is not anticipated by Fraser under 35 U.S.C. §102(e). Claim 1 is also neither suggested nor taught by Fraser and is allowable over Fraser. Further, Baumgartner



does not overcome the deficiencies of Fraser with respect to claim 1 because Baumgartner does not disclose an artificial disc that includes a first retaining member having an outer surface directly engaging a first vertebra of a spinal column, as recited in claim 1. Claim 1 is therefore allowable over both Fraser and Baumgartner. As claims 35 and 36 depend, directly or indirectly, from amended claim 1, claims 35 and 36 are allowable for at least the reasons given in the discussion of claim 1 in connection with its rejection as anticipated under 35 U.S.C. §102(e) by Fraser and further for the recitations contained in those claims. It is thus respectfully submitted that claims 35 and 36 define over the cited art, and withdrawal of this rejection of claims 35 and 36 is respectfully requested.

**II. Conclusion**

In view of the foregoing amendment and remarks, it is respectfully submitted that claims 1 and 5-47 define over the cited art. Withdrawal of the rejections of the claims and the passage of the application to issue is therefore requested.

Please charge any deficiency or credit any overpayment in the fees for this matter to our Deposit Account No. 20-0090.

Respectfully submitted,

**/James L. Tarolli/**

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